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LETTER

FROM

THE SECRETARY OF WAR,

TRANSMITTING,

(In compliance with a resolution of the House of Representatives of the 7th inst.)

Copies of Letters from Joseph McMinn, deceased,

LATE

AGENT OF INDIAN AFFAIRS, IN THE CHEROKEE NATION;

TOGETHER WITH A COPY OF THE

PLAN PROPOSED BY THE DIRECTION OF THE SECRETARY OF WAR,

FOR THE EXTINGUISHMENT OF THE

Cherokee Claim to Lands,

Then occupied by them, in Georgia, Tennessee, and Alabama.

JANUARY 12, 1825.

Read: ordered that it lie upon the table.

WASHINGTON :

PRINTED BY GALES & SEATON.

1825.

DEPARTMENT OF WAR,

January 10th, 1825.

SIR: In compliance with the resolution of the House of Representatives, of the 7th inst. directing the Secretary of War "to lay before the House copies of letters from Joseph M·Minn, deceased, late Agent of Indian Affairs in the Cherokee nation, to the War Department, dated 4th July, 1818, and 7th July, 1818; together with a copy of the plan proposed by the direction of the Secretary of the War Department, for the complete extinguishment of the Cherokee claim to lands then occupied by them in Georgia, Tennessee, and Alabama, referred to in the Secretary's letter of 29th July, 1818;" I have the honor to transmit, herewith, the enclosed copies of all the papers required by said resolution, with the remark, that the blank in the copy of the plan proposed, (which Governor M·Minn states to have been occasioned by the wearing of the paper,) it is believed, was filled with \$100,000; and that directions were given to him to enlarge this sum if necessary, to effect the arrangement.

I think it proper further to remark, that the reason for the omission to send in these papers, with the letter from this Department referred to in the resolution, was, that the originals were not to be found on the files of the Department at the time, nor have they since been found. The duplicates from which the enclosed copies are taken, were transmitted to the Department, by the late Agent, since the last session of Congress, in compliance with a letter addressed to him, requiring him to do so, soon after it was discovered that the originals could not be found.

I have the honor to be,

Your most obedient servant,

J. C. CALHOUN.

HON. HENRY CLAY,

Speaker House of Representatives of the United States.

CHEROKEE AGENCY,

July 21st, 1824.

SIR: In obedience to your instructions, I do myself the honor to forward the papers asked for in your letter of the 14th April last, and have to express my regret that they have been thus long delayed, which has taken place from the great difficulty in procuring a messenger.

I beg leave to remark, that the blank near the close, in the arrangement, had become too much worn to enable me to make out distinctly the amount originally stated, although I believe it was fifty thousand dollars.

With due respect, I have the honor to be,

Your obedient servant,

JOS. M-MINN.

Hon. JOHN C. CALHOUN,

Secretary of War.

CHEROKEE AGENCY, 4th July, 1818.

SIR: I returned from the Oostanally Talk last evening at 7 o'clock, where I had attended for eight days; many attempts were made to prevent my attendance, some by threatening my life, and others by chastisements, neither of which were put into execution, though many of my friends anticipated one or the other would be realized; in fact, I did not myself know what disposition would be made of me, but had determined that nothing but indisposition should prevent my attendance. This meeting was composed of the Southern and Overhill Indians, in all upwards of 2000 warriors, whose hostility I have mentioned some time ago, and which is much stronger than I had anticipated.

I beg leave to trouble you with something like a journal of the proceedings from my arrival there until my departure. I arrived at the council house on the evening of the first day's meeting, 24th June, just as the Council adjourned. Many of its members were very much intoxicated with spirits, and manifested great hostility to the treaty, and to myself, one of whom told me, through Major Walker, that, if I mentioned the subject of exchanging countries, they had determined to chastise me with their light-horse as they did their bad men. Major Walker, and all who were with me, that were well disposed towards the views of government, encamped the first night within their lines, without receiving insult or molestation.

June 25th.—I attended at the council house, where my arrival was announced, on which I was invited to take a seat, though previously, the whole of the Chiefs arose and shook me by the hand, and after some desultory conversation, I was invited to give them a talk, which I promised to deliver next morning.

June 26th.—Met the Council agreeably to appointment, where I read the President's speech to the Arkansas delegation. The Chiefs observed, that it was expected I would read a talk from their Father addressed to them; that they were opposed to exchange of countries, and did not wish to hear any talks in favor of the Arkansas people.

I now found myself compelled to show them that the speech was made to the whole nation, by bringing to their view the different points where the word nation was introduced; after which, I entered into the views of the government at very considerable length, and concluded by exhibiting a chequered plat on the ground, respecting the manner in which their Father had told his Council (last Congress) the country must be laid off and settled, from the Northern Lakes to the Floridas; in support of the right to do so, I quoted the treaty of Hopewell, but took every possible care to assure and shew them that so many of their nation as chose to become citizens of the United States would be furnished with reservations, as stipulated by treaty, but that it must be understood the remaining part of the nation must remove west of the Mississippi; these points I stated in emphatical language, and frequently recapitulated in the course of the day, as it was for these declarations they had promised to chastise me. I felt determined to assert my country's rights in the commencement, let the consequences be what it might—and to their credit, I can say none pretended to speak during the time I occupied the floor, (which was nearly three hours) except one, who, "in broken English, observed, he could not stand that talk, and withdrew.

June 27th.—After the Council was opened, I proceeded to read the treaty, and to give it such constructions as I conceived just. I also recapitulated many of the circumstances which led to the treaty, to shew that it had its origin in the application made by their deputies to President Jefferson, in 1809, and upon which the United States certainly stood justified in entering into the agreement, and that the late treaty was the consequence resulting therefrom.

June 28th.—I communicated your wishes relative to a suspension of taking enumeration in a written talk, a copy of which is herewith sent, marked A, the answer to which is contained in a written talk, addressed to me on the 30th ulto. marked B. This document contains the only written talk delivered by them to me. A copy of which is sent forwarded.

June 29th.—Was chiefly spent in transacting business of the nation.

June 30th.—Was furnished with the document last mentioned, to which I made a verbal answer of considerable length, but in conclusion was asked to deliver one in writing, which I did accordingly, which was made the order of the next day.

July 1st—I laid my answer, above referred, to before the National Council, marked C. together with a written talk, a copy of which is forwarded, marked D, to which I received a verbal answer, stating that they were willing to hold a talk, but must refer the subject to the decision of their king, as to the place of meeting, but promised to apprise me of the result in a very short time. Their opposition to this place arises from a fixed determination to keep their people at as great a distance from the public stores as possible. This was the true and only reason why their last meeting was held at Oostanally; there they knew I could not furnish arms, and in return, I would not agree to furnish one ration for their use. This day the Council adjourned about two o'clock, P. M. neither party having gained a single specific point, though the conquest is claimed on the part of the United States, in consequence of the enemy being silenced at every onset, both written and verbal; and, so obvious was this, that the Hon. Elias Earle, of South Carolina, and all other disinterested spectators, marked the progress of its decision, as to external appearances, and I feel very certain, that if a national meeting takes place as proposed, that it will give a death blow to their enmity, even if a general extinguishment of title should not take place, as heretofore spoken of, though of that I entertain few doubts, if any, provided the President and yourself should agree to the plan, of which I will treat more at large in my next.

In the proposition submitted, I have unauthorizedly proposed the payment of the sum stipulated to be paid by General Jackson's treaty, though I flatter myself that, when all things are taken in view, I mean the great distress they labor under for the want of money, and the immense advantage that would result to the United States from being acquitted of the trouble and charge of settling the Cherokees west of the Mississippi, that my conduct on this occasion will meet the approbation of the administrators of my country. A copy of my plan, which will be in addition to the one now forwarded, will form a part of my next.

I have the honor to be,

With great respect,

Your obedient servant,

JOSEPH M'MINN.

Hon. JOHN C. CALHOUN,

Secretary of War.

A.

A copy of a proposition submitted to the honorable Secretary of War, in July, 1818, by Joseph M. Minn.

The United States, by their Agent, Joseph McMinn, will give to the whole Cherokee Nation, all the public stores now on hand at the Agency, and all the boats and other property not disposed of previous to this date, and also such sums of money as may hereafter be agreed upon.

In consideration of the receipt of money and articles of property heretofore enumerated, which is hereby acknowledged to have been received, the whole Cherokee Nation, by their Chiefs, in open Council now assembled, do, of their own voluntary will and accord, agree to surrender to the United States, and forever quit claim and possession to the whole extent of their nation on the east side of the Mississippi, upon the simple and plain terms contained in the late Treaty, entered into on the 8th July, 1817, by which all who choose to become citizens of the United States shall be received and considered as such, in all respects, that is to say: the head of each Indian family may obtain a reservation of 640 acres of land, to be laid off and held agreeable to the 8th article of the Treaty aforesaid. And the residue of the Cherokee people, who are not disposed to make reservations in manner aforesaid, shall, each and every of them, be entitled to lands on the Arkansas and White Rivers, in common with all who have previously removed thither.

And in order to foreclose all misconstructions respecting this agreement, the parties, each, declare that it is only to be considered as a measure calculated to hasten the execution of the existing Treaty, and will neither add to, nor diminish from, that instrument, but will be obligatory and binding on the parties, to wit:

The United States, by their agent, Joseph McMinn, Governor of the state of Tennessee, do stipulate, that the United States shall surrender to the whole Cherokee nation, all the aforesaid articles of property and one half of the money, (say in current bank notes) stipulated to be given upon the parties aforesaid signing and sealing this agreement, and the remaining half of the money, (say bank notes as aforesaid) shall be paid at the expiration of two years from the date hereof; which articles of property and the several sums of money shall be considered by the whole Cherokee nation, as releasing the United States, in future, from all trouble and expense, in purchasing all or any of the articles stipulated by the United States to be given to the Arkansas emigrants, in pursuance of the Treaty of the 8th July, 1817.

And the Chiefs, head men, and warriors, of the whole Cherokee nation, do further stipulate that, within two years from the signing and sealing of this agreement, the whole Cherokee nation shall surrender to the United States their possession and entire claim to

all their land lying east of the Mississippi river, except those who may have taken reservations.

And the United States, by their agent, further stipulate that, on the completion of this agreement, the annuities for the present year shall be paid to the whole Cherokee nation, including all those who are called Arkansas Cherokees, without unnecessary delay, and the annuities for the year 1819 and every succeeding year, shall be paid at the Cherokee agency on the Arkansas and White Rivers, in the same manner and to the same amount as though the residence of the Cherokees had never been changed.

And the United States do further agree, upon the foregoing propositions being entered into, to pay to the whole Cherokee nation, within three months after the ratification of the Treaty, \$ and within three months thereafter, the additional sum of \$50,000.

Copy of a letter from Joseph McMinn to the Secretary of War.

CHEROKEE AGENCY,

7th July, 1818.

SIR: I promised you in my last, to do myself the honor of enclosing you a copy of the plan, which I took the liberty to propose to the Council of the Cherokee nation, as the most likely in my estimation, to effect a sudden and entire abandonment of their claim, and although I am extremely anxious to see the treaty executed, yet, it affords me great pleasure to find that they did not close the contract. I have now ample opportunity of submitting my entire views, which will enable the President and yourself to give me such instructions for my future guidance, as well enable me to transact the business agreeably to your pleasure.

The views of the opposition party, are now pretty clearly developed, in the documents which I did myself the honor to enclose by the last mail; they will, however, appear infinitely less harmless to you, than to those who can connect their individual actions and declarations, with their official acts; their avowed object is to take the enumeration as soon as possible, with the expectation, that the greater portion of their people will be found here, when, by the terms of the treaty, a tract of country will be laid off for them, upon which they and their heirs, will live in the full enjoyment of all their savage customs. These sentiments were expressed to me by Hicks, the Head of the old nation, and reiterated in council. In fact, Hicks says publicly, that, if six chiefs, whom he has not named, remain with him, he will ensure them and their friends rest in their present possessions, during his life at least.

The council, in answer to me, say, they disavow the right of reservations being made, except on the lands ceded at the treaty, but, to their countrymen, they openly pronounce the penalty to be death; the literal fulfilment of which, many of them believe in with as much

certainly, as the Christian in his God: were it not for these declarations, I should be able to enrol for emigration, nearly their whole nation. To obviate these restraints, I tell them every where, that the United States stand pledged to protect the Aarkansas emigrants against all their enemies; and notwithstanding this declaration was made repeatedly at the last talk, yet, so completely are they under the control of Hicks and others, that those who have given me assurances of their going to the West, dare not even look at me nor speak to me, unless after night, and then they would keep themselves concealed, in the grass and the bushes, as though in the land of their enemies; and since I have commenced writing this letter, two principal chiefs have come to this place under a similar situation, with a view to enrol for migration, who have just notified me, that they will stay all night, for the purpose of effecting their wishes.

Having endeavored, in some degree, to delineate the situation of affairs in this nation, I will now proceed to state my own views, and endeavor to shew why I have assumed a much higher ground than had ever been taken here before; and in doing this, I trust you will decide with me, when all things are taken together, from my first coming to this place, to the present day, that it will require very little argument to shew, that the enemies of the treaty have evidently determined on its overthrow, though, as I very much desire to place the subject in its own garb, and to recite as briefly as I can, the ground I took to counteract their views, I will bring to your recollection, that I stated to you in January last, namely, that the light horse of the nation were assembled on the first day I had appointed for issuing arms, &c. for the express purpose of arresting the property out of the hands of the emigrants, under the pretext of old debts. This attempt to intimidate and rob the emigrants of the arms, &c. was met by a general order, declaring, in unequivocal terms, that, if they did not desist from the practice, (for they had commenced prior to notice given) that I would view it as an act of hostility against the United States, and would punish the perpetrators with an armed force; which order had the happy effect of putting a total stop to their designs. The next attempt to thwart the views of Government, of an official character, was refusing to meet here in council, on the 20th May last; a copy of which refusal is herewith enclosed, marked E. This refusal was accompanied by an order of the council, (though not inserted in the papers above referred to) by which runners were sent through every section of the nation, where the least hope of success was entertained, forbidding their attendance, under their accustomed penalties, the effect of which I stated to you immediately after the adjournment of our meeting. And further to express their enmity, they held their meeting, above referred to, on the same day, and within twenty miles of the place, where the Arkansas chiefs held their talk, on the 6th May last. After the termination of the talk here, it was conceived most advisable to give them a second invitation, as was stated in my letter of the 8th June last, by which to adjourn their meeting to this place, where they would have provisions furnished at their Father's expense. To this request, which I thought a little humiliating to the

Government, they gave for answer that which is contained in the enclosed paper, marked F, which cannot be considered more than barely respectful to the Government, but which was founded, as I remarked in my last, upon a determination to keep the public stores and their people separate. Upon the receipt of these papers, you will have before you all the written correspondence which I have received from the Cherokee chiefs, from which you will be enabled to judge, how far I have acted consistent with my duty, and the interest of my country. And here I repeat the solicitations contained in my letter of the 8th June, in which I expressed a wish to be instructed as to the precise course I must go, and for that purpose I have drawn up the articles proposed to be entered into with the Cherokees, for your inspection, a copy of which is enclosed, marked C. This paper has never been presented to them, nor did I deem it discreet, until they should express a wish to enter into the arrangement; you will, therefore, perceive that the Government is not bound, except to renew the propositions submitted and enclosed to you by last mail. At next meeting, should one take place, you therefore can take such course with that paper as you may think proper, without any violation of good faith; though I will take the liberty of suggesting that, if it may be thought advisable to keep it at rest, that perhaps policy would dictate the propriety of attaching a condition which would amount to a rejection. However, should the principle be approved of, I would very much prefer that the whole should be written in your office, and signed with your own hand; and, in some part or other, let it be expressed that it emanated from the President, who is always esteemed their father and their only friend; and should you think proper to conclude with your accustomed liberality, as to the extent of my power, and also to express your approval of such parts of my conduct as you may conceive to merit it, the favor will be acknowledged. I have taken the liberty of making those requests, from motives of interest to my country, and to let the party opposing the Government discover their error, in charging entirely to me, what they conceive to be absolute oppression. In fact, they told me in council, at Oostanally, that they did not believe their Father knew how much they were opposed to the treaty, nor how much it would, in its operation, disturb their peace—as he had always permitted them to do as they please.

If it should be deemed necessary to authorize me to vary the general propositions, would it not be proper to give those instructions in a private letter, as I have promised them I would ask their Father to give me directions how he wished me to act with his Red children, and that I would read his talk to them. And so far as it goes to second the course I have taken, I will underwrite for its being carried into effect, and with infinitely less trouble and risk, than upon any other plan within my knowledge. When I take into view the stupendous plan of Government in opening the way to an entire extinguishment of native claim east of the Mississippi, and the immense importance of consolidating the settlements from the northern lakes to the Floridas, I cannot but suppose the declaration of independence, on the part

of the Cherokees, as recently expressed, merits some attention: for, on its adoption, a similar declaration will issue in behalf of the neighboring nations. This principle once established, would be subversive of all order, peace, and happiness, here, as well as to overthrow the present treaty.

I still hold the commissions of Brown and Young, and shall continue to do so, until I receive your order to the contrary. In the application for a suspension of taking the census, I asked until the 1st of November. I was aware that that period would keep back a comparison of numbers until next Spring; by which time, I trust many more than the half will have gone to the west. The Cherokees agreed to suspend until 1st September; to which I replied that, as they did not agree to the whole of the requests, I could not close with their proposal, until advised by the Government; so that they will necessarily look for a considerable delay. I adopted this course by way of retaliation.

Colonel Meigs put a letter into my hands, a copy of which is herewith enclosed, marked H, which goes to shew how much pains has been taken with them, in order to afford a thorough knowledge of the views of Government. But, sir, I am sorry to say, that reason has very little influence on their minds, and justice seems still to have less: for, on the second night after my arrival, they stole two very valuable horses from me, which I have not heard of since.

I have ordered the commissioner for valuing improvements to proceed no further in the discharge of his duties, until he may be otherwise advised; in fact, those few valuations which he has made, have never yet been known to any other person than myself. I still entertain the same opinion expressed in my letter of the 8th of June; and should we have the good fortune to hold a meeting in September, it is possible something may grow out of that in favor of the United States. At all events, I will not permit the commissioner to proceed, until I am advised by you.

I beg you to write me fully, as soon as your convenience will suit, and address to Murfreesboro', for which place I will leave here on the 10th inst. and when there, will advise you of the time of my return, and of every necessary information in the mean time. I am well aware, that many things are mentioned in this letter, which I have previously communicated, but my design was to bring the whole situation of this business before you in the smallest bounds I possibly could; after having done so, I subscribe myself, with very great respect and esteem,

Your obedient and very humble servant,
JOSEPH McMINN.

Hon. JOHN C. CALHOUN,
Secretary of War.